

TO DIVIDE THE ESTATE

Judge Robinson after hearing granted a decree of partition in the case of Lyle A. Diekey against the heirs of the late Wm. H. Cummings. An appeal was noted by J. Lightfoot, attorney for F. Wundenberg, guardian, and others. Pending the issue of the appeal it was agreed between the parties that Chris. Willis, surveyor, be named in the decree as commissioner to partition the property. A. G. M. Robertson, attorney for one of the respondents, was stated to have given his consent to this appointment. Mr. Diekey appeared in person. He sued as purchaser of an interest under foreclosure.

AMARA ESTATES.

Henry Smith had his accounts allowed and distribution ordered by Judge Robinson, both as administrator de bonis non of the estate of Jesse Amara and administrator of the estate of Mrs. Keki Amara. R. D. Mead appeared for Bessie Kopa, a beneficiary. The two decedents were husband and wife, the former having represented Ewa and Waianae in the Legislature under the monarchy. By the partition in Jesse Amara's estate Bessie Kopa receives two-fifths and Mrs. Rosa K. Cox, Hiram Amara and Mrs. Kiahinui one-fifth each.

QUEEN EMMA'S WILL.

Queen Emma's will was up for construction before Judge De Bolt yesterday. Messrs. Marx and Anderson of Ballou & Marx appeared for Bruce Cartwright as plaintiff in the capacity of trustee under the will. Mr. Stanley of Holmes & Stanley appeared for Bruce Cartwright as defendant in the capacity of administrator of the estate of Albert K. Kuniakaka. A. G. M. Robertson appeared for the trustees of the Queen's Hospital, defendants. The court took the matter under advisement, counsel to file briefs.

COURT NOTES.

Judge De Bolt granted a decree of divorce to William Keiki against Lahele Keiki, awarding him the custody of the minor children. C. F. Peterson represented libellant.

Judge Robinson appointed Samuel Ehrlich, brother-in-law, administrator of the estate of the late Michael Sigismund Levy, under \$30 bond.

The demurrer in the divorce suit of Ida A. Brown vs. C. H. Brown was argued before Judge Robinson and taken under advisement.

Eben P. Low was released from the witness stand in the Parker case before Judge Lindsay early yesterday forenoon. The reading of J. T. McCrosson's testimony occupied the rest of the day.

Judge Lindsay granted a divorce to Mrs. J. W. Hall yesterday, awarding her custody of the minor child. The husband had left the Territory with the child, however, after the suit was filed.

TREASURER'S ACTION ON LIQUOR LICENSES

Treasurer Campbell has refused a fifth class liquor license to sell in original containers to Paulo Kahala, Kohala, a majority of owners of property within 1000 feet of the premises desired to be licensed having entered a protest against the application.

Fifth class licenses have been granted to C. Ahkui, Napoosoo, South Kona, Hawaii; Ah Tuck, Keanea, Hana, Maui; and J. Onishi, Maialaea, Maui.

Applications for fifth class licenses have been received from Ah Tong, Kipahulu, Maui; Ho You, Kipahulu, and Y. Aona, Hookena, South Kona, Hawaii.

TERRITORY MAKES ADVERSE CLAIM

Deputy Attorney General M. F. Prosser has filed the answer of the Territory of Hawaii in the matter of the petition of A. J. Campbell and others to register title to certain premises in Honolulu. As to part 1 of the petition the Territory admits the claim of petitioner excepting for a small portion of land belonging to the government, taken into the description by survey courses which the respondent alleges are incorrect. The territory further represents to the court that the whole of part 2 of the petition belongs to it, being government land made such by the Mahalo of 1848 and to which neither the Territory nor its predecessors has ever relinquished its title.

ISAAC NOAR'S SON JOINS LOCAL BAR

Samuel Noar, who came here to attend to the settlement of the estate of his late father, Isaac Noar, was yesterday morning admitted to practice in all the courts of the Territory by the Supreme Court on motion of C. W. Ashford. Mr. Noar was born in New York State 35 years ago July 12. He was admitted to the practice of law in Philadelphia in April, 1892, and practiced there until January, 1904, when he removed to Fort Collins, Colorado. His admission here is based on certificates that he was a practitioner in the supreme courts of Pennsylvania and Colorado.

ATTORNEY CHARGES WILFUL OBSTRUCTION

Respondents to the restraining order by Chief Justice Frear obtained by Koolau Malle and others against J. O. Carter and others, to prevent their prosecuting an ejectment suit, yesterday filed a motion for hearing on proof of damages sustained by them through the issuance of said order. They ask for the hearing tomorrow, or as soon thereafter as may suit the convenience of the court. Kinney, McClanahan & Cooper give notice of the motion to Henry E. Highton and C. W. Ashford. E. B. McClanahan makes affidavit, relating the various delays to the trial of the ejectment case, J. O. Carter vs. Koolau Malle, et al. He states that since the bringing of this action of ejectment he and the several members of the copartnership to which he belongs, as attorneys for the plaintiff, "have used every means to bring the case to a trial, but have been prevented in the main by the efforts of counsel representing the defendants; that said counsel, taking advantage of the engagements of the trial courts as well as of their own engagements, have used these as excuses for delaying and hindering plaintiff's prosecution of said action." Defendants' counsel, he says in conclusion, had accomplished their object of delay by preventing a trial before the Parker case was taken up, as from information he says that matter will consume several weeks, "and in the meantime said plaintiff is denied his right to a trial of his claim for the possession of a valuable piece of income-bearing real estate."

PROSSER'S BRIEF IN TAX MATTER

Besides returns made by James L. Holt, tax assessor of the first division, and J. K. Farley, tax assessor of the fourth division, to the alternative writ of mandamus sued out by the County of Kauai, a brief on behalf of both those respondents has been prepared by M. F. Prosser, Deputy Attorney General.

Mr. Prosser takes pains at the outset to show that the Attorney General's Department does not appear for the County of Oahu as against the County of Kauai, or vice versa, but having advised the Treasurer of the Territory and the assessors named "in regard to their legal duty in the matter of assessing taxes as against the corporations named," the Department now appears "for the purpose of defending their official actions based upon the advice of this Department."

He proceeds to elaborate contentions that it is sought by the writ to compel the assessors to do things not required of them by law, some of the things even being impossible to do without violating the legal obligations of their office. Of the latter class is submitted to be the command in the writ that the assessor of the first division forward to the assessor of the fourth division all income taxes heretofore collected by him from the corporations mentioned in the writ.

As to the main claim of the relators, that the corporations in question, because their mills and plantations are located on the Island of Kauai, are taxable there, Mr. Prosser says there might be something in it were it not for the fact that the corporations named have voluntarily, and most of them as required by law, certified that their principal place of business was in Honolulu. He contends that the intent of the Legislature was that a corporation should have a place of residence for taxation purposes. On this point, quoting a New York case in support of his contention, he offers this local illustration:

"We will suppose, for instance, that the Lihue plantation was owned in fee simple by Mr. Paul Isenberg, of Honolulu, who has a legal residence within Honolulu. In spite of the fact that the plantation referred to is located entirely on the Island of Kauai, and its business entirely conducted there, the taxes on the income received therefrom by Mr. Isenberg would be payable by him in entirety within the district of Honolulu, in the first taxation division."

With regard to the claim by Kauai for half of the income taxes in question, it is submitted that Oahu has an interest in the decision and, therefore, the court can not decide in favor of the relators with the County of Oahu having been made a party to the proceedings. It is also submitted that no demand has ever been made upon Holt for the money, but that such demands as were made were made upon the Treasurer of the Territory, who is not a party to these proceedings. "The demand should be made at such time and place, and in such form and manner, that it was the respondent's duty to comply therewith."

The case was to have come up before Judge Hardy at Lihue yesterday. J. D. Willard, Kauai County Attorney, appears for the writ, assisted by D. H. Case, representing Maui as having a common interest with Kauai. Mr. Prosser represents the Territory while E. A. Douthitt, Oahu County Attorney, watches the case for Oahu.

INFANT MORTALITY.

The attention of the Town Council at Johannesburg, Transvaal, was last year directed to the fact that out of eighty-four infants, who died in December, forty-four of them had died of dysentery. An investigation with a view of tracing the source of the disease was authorized. Under the best of conditions attacks of dysentery are very prevalent among children in warm weather, but in a large majority of cases the lives of the little ones can be saved by the use of Chamberlain's Colic, Cholera and Diarrhoea Remedy. This remedy always brings prompt relief, and has never been known to fail. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

DREDGER MAN HERE TO BEGIN WORK IN MONTH

Captain W. A. H. Connor, the accredited representative of the San Francisco Dredging Company, which has the Federal contract for dredging out Honolulu harbor and the channel entrance, arrived yesterday on the S. S. Sierra, and is domiciled at the Hawaiian hotel. Captain Connor is connected with the North American Dredging Company of New York, San Francisco and Los Angeles, from which concern the San Francisco Dredging Company has leased the dredger "Pacific."

The "Pacific" is a sea-going dredge, which left San Francisco for Honolulu last Saturday. It is not of the scow or barge pattern, but is built like a long, low, wide, powerful steam barge with a pointed bow. The Pacific is equipped with a screw propeller and is coming here under her own steam. The contract company did not wish to be bothered with towing barge-dredges to Honolulu, as the risk is considerable.

The Pacific is one of the largest of her class owned by the North American Company. It is provided with a suction dredge, the debris being pumped back to fill-in lands through a long series of pipes laid on pontoons. The contract company will bring its own pontoons and piping here from Tacoma on one of the Dollar company freighters.

Captain Parker of the Hawaiian Dredging Company, which owns two or three dredgers here, returned yesterday from San Francisco, where it was supposed he had gone in the hope of getting a sub-contract. Captain Connor stated last evening that in all probability the contract company would lease one of the Hawaiian Company's dredgers for the outside channel and bar work.

The dredge comes here as a steamer, and will therefore have a master and a first and second officer and crew. The engineers are those who will operate the dredge during the contract work. The master and two officers will be discharged on arrival here and sent back to San Francisco and the Pacific will become a mere dredger. About forty-five men will be employed on and about the dredger. The dredger is capable of dredging out 14,000 cubic feet per day under suitable conditions. Captain Connor feels that 10,000 cubic yards can be handled in Honolulu harbor work. The suction pipe is very large, those on the local dredgers being small in comparison.

The contract was approved at Washington on September 17 and the company received official notification about September 20. Within three months from that date the company must begin work, and twenty-seven months from the end of the ninety days the entire work must be completed.

This contract involves the dredging out of Honolulu harbor proper, or as it is now, to 35 feet depth, and the channel and entrance thereto, as well, the appropriation amounting to \$400,000. The development of the harbor also calls for widening the channel, cutting off the lighthouse point and cutting out the coral far back from Naval Row. This work will involve a million dollars. No contract for this has been let, as there is no appropriation.

The Pacific was used to dredge out Tacoma's harbor extension.

"We will be actively at work on our contract within a month," said Captain Connor last evening, "depending on where Lieut. Slattery wants us to begin."

L. K. KENTWELL AT THE NATIONAL CAPITAL

The Washington Star says: "I would like to feel that devotion and loyalty to the United States that every man ought to render to his country," said Mr. L. K. Kentwell, a leading business man of Honolulu, at the Shoreham.

"In my case, however, the laws of this government make it uncommonly difficult for me to cherish any patriotic sentiment. My sin lies solely in the fact that I have Chinese blood in my veins, and for this I am treated as an alien and an outcast, unfit to step upon the soil of the nation to which I owe allegiance. I am identified with many interests in Hawaii and am well known to its leading people, and the best citizens both of European and Asiatic stock claim me as a friend. In spite of my residence there and my standing in the business and financial world, when I started on the 17th of August to sail for the United States, I was advised by an official that it would be safest for me to comply with the regulations of the Chinese exclusion act, so as to avoid possible annoyance and detention when I should reach San Francisco.

"It was, of course, humiliating, but the law excepts no one who has any Chinese strain, and so I had my photograph taken and secured affidavits which attested my character, my length of residence, and other personal details. These papers cost me \$10, and yet the expense does not figure in the matter in comparison with the injustice of the whole business. No other human being from any quarter of the world—a New Zealander, a Fiji Islander, a naked savage from the Australian bush, not to mention a Korean or Japanese, would have been subjected to no such treatment.

"Then, to cap the climax, after all this bother, I was not held up or detained by the San Francisco inspectors at all, probably because the Chinese strain in my make up does not dominate the Anglo-Saxon. But the law did not save me, for it specifies that persons having even one-twentieth of Chinese blood is amenable to the provisions of the exclusion act. In fact, I had been detained in my own harbor of Honolulu on returning from a business trip to Manila some months ago, and a serious question arose as to whether I could land, despite the fact of my marriage to a Hawaiian woman and my ownership of property in the country.

"This unjust act has resulted in great detriment to the people of the Hawaiian Islands, for it has deprived them of a splendid force of farm laborers, whose places can not be filled. The sugar industry is the mainstay of Hawaii. Sugar is a crop that can not be produced in a tropical country save by Asiatic labor. White men can not and will not work on the plantations. Many Japanese have come our way to do this work, but they do not fill the bill. Agitators go among them and cause them to demand an increase of wages with each little rise in the price of sugar.

"In addition, many hundreds of them are going to the States of Washington, Oregon, and California through the inducement of bigger wages than they get on the islands. There is no exclusion law against them, and if the migration keeps up Hawaii will soon have nobody to cultivate its fields. Here, then, we are confronted with a serious condition, an impending labor famine that will bring misery and poverty upon us. Before annexation to the United States the Hawaiians were prosperous, contented, and happy. They had the best labor system in the world. Today, under the flag of a mighty republic, they are facing a frowning future."

squadron is sent to Newport, Bar Harbor and other summer resorts along the coast, thereby adding to the attraction of those resorts for visitor and filling the pockets of the hotel keepers to a considerable degree. The Hawaiian Committee's letter was as follows:

PROMOTION COMMITTEE'S LETTER.

September 1, 1905.

To the Honorable Secretary of the Navy, Washington, D. C.

Dear Sir: We would respectfully call to your attention the closeness of the winter season, and suggest the many advantages which would accrue from a joint cruise of the Pacific and Asiatic squadrons, into the middle of the Pacific, with a stop for target work, fleet formations or evolutions at

DANGER IN DELAY.

PROMPT ACTION MUST BE TAKEN TO PRESERVE HEALTH.

Kidney troubles are dangerous because they creep on so stealthily that they get a firm grip on the victim before he is aware of it. They manifest themselves in such varied forms that they are easily mistaken for other diseases.

Make no mistake! Do not delay! Treat the kidneys now!

The kidneys are sick and will not get well unless you use a kidney medicine. Doan's Backache Kidney Pills is the certain, safe and prompt remedy for the kidneys only. It cures. It has cured people right here in Honolulu.

A. J. Cahill, of Fort street, this city, night watchman in the employ of Messrs. T. H. Davies & Co., Ltd., says:

"Whilst a young man I was a sailor and at one time worked for the Inter-Island service. I was, however, obliged to give up sea life on account of severe suffering from my back and kidneys. For this I had tried various remedies, but the one which restored me to health was Doan's Backache Kidney Pills—procured at Hollister's Drug Store. They relieved me completely after years of suffering. If any one desires further particulars he may apply to me. I am to be found at Van Dorn's Ship Chandlery, Fort street."

You should get the same medicine which helped Mr. Cahill. See that the full name, DOAN'S BACKACHE KIDNEY PILLS, is on the wrapper and refuse any imitation.

Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister-Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

It is only seven years since the flag was raised here and a great deal has been accomplished in the teaching of patriotism to new citizens, by a display of the devotion of American sailors to the flag. Much more may be done.

The harbor of Honolulu is perfectly safe, ample to accommodate every American warship in the Pacific Ocean at the present time, and the naval station and shops are equipped for all kinds of repair work. It is our belief, that should you see your way clear to bring together the squadrons from the East and the West, for practice evolutions, such, for instance, as are carried out in the Caribbean Sea by the Atlantic squadrons, that the result would be beneficial. The waters about Hawaii offer excellent sea conditions for target work or the exercise of a war game, while Honolulu as a base would afford every possible advantage in the way of furnishing supplies, and, as well, through the Pacific Commercial Cable, would keep the fleet in close touch with the Orient and the Western coast of the United States. Relaxation after guard duty would as well appeal to the sailors of the fleets.

Commending this matter to your good judgment, and thanking you in advance for the careful consideration which it is assured, we beg to remain, Yours very truly,

RENTALS FOR TERRITORY.

Special Assistant Attorney General Charles W. Russell, who considered the request of the territory that the federal government should pay rent for its courthouse and janitor service, said today that a reply was now awaited by the Department from the Marshal as to what rent should properly be paid. "We have decided," said Judge Russell, "that the government ought to pay rent and so wrote the Marshal in August. The territory is turning over a large surplus of revenues to the federal treasury every year and the building in which the United States District Court is held, has never been regularly set over to the use of the United States. Had it been, we could not have decided that the federal government should pay rent."

Mr. Russell added that the investigation of the validity of title to the Leper Sanitarium site and of titles to the sites for fortifications has not been completed.

GENERAL MATTERS.

In a general way the summer dullness is still upon the National Capital. Most of the Departments and important bureaus are still in charge of officials who are "acting heads" in the absence of their official superiors. The vacations are unusually long this year and as a rule officials are making no efforts to return to the city in advance of President Roosevelt, who returns September 30, as now planned. Government business, except what is transacted at Oyster Bay, is confined largely to routine matters and will continue to be until about October 1.

The state elections this year are attracting but little interest. That in Virginia, just across the Potomac, has passed the interesting stage, with the holding of the primary in August by which the Democratic candidates for Senator and state officers were put in nomination. There is no doubt of the election of all these Democratic candidates by a good large majority, although the Republicans, aided by President Roosevelt, and possibly by funds out of the million dollar surplus of the Republican National Committee, will put up a more vigorous campaign than ever before. The negro has been eliminated from the Republican

party down there and the Republican party has been waxing in strength ever since that consummation.

In Maryland there is a vigorous state fight, over the election of minor officers. The great issue there is on the so-called Poe Amendment, providing for the elimination of ignorant negroes from the suffrage. Senator Gorman has just assumed personal command of the campaign, the outcome of which is doubtful. Probably a Democratic legislature will be elected, but the Poe Amendment that the Democrats are championing, may be lost. Secretary of the Navy, Bonaparte, is the Republican leader in Maryland and is stoutly opposed to the Poe Amendment.

Massachusetts was likely to have a stirring campaign for governor, but Gov. Douglas, the Democratic incumbent, has resisted all entreaties that he accept a renomination. With him at the head of their ticket the Democrats might have a fair show of winning again. With some other nominee it is a foregone conclusion that the prospective Republican nominee, Lieut. Gov. Curtis Guild, will be elected governor.

Ohio has the most interesting of all the gubernatorial campaigns this fall. In spite of the enormous Republican majority in the state, the Democrats are conceded to have a fighting chance. The Republicans have been down here to Washington recently to arrange for a battery of big administration speakers. The liquor issue is figuring in the Buckeye campaign and Gov. Herrick, nominated for another term, is unpopular. Gov. Herrick's election is looked for, although it would not greatly surprise close political observers were he beaten.

ERNEST G. WALKER.

News was received yesterday of the marriage in San Francisco of Miss Anna Perry, sister of Judge Antonio Perry, formerly of the Supreme Court, to Temple Bourke, jailer of Oahu Prison. The wedding took place on September 19, the Rev. Father Sullivan of St. Mary's Cathedral officiating. Mr. Bourke went to San Francisco recently on a vacation trip, and but few knew that he had matrimony in view. Mr. Bourke is well-liked in the community and he is a tried and trusted official. Miss Perry has been a teacher in the public schools for many years.

Montgomery-Brown Fire Insurance Co

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of F. A. SCHAEFER & CO., Agents.

North German Marine Insur' Co.

OF BERLIN.
Fortuna General Insurance Co. OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., General Agents.

General Insurance Co. for Sea River and Land Transport of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

UNION PACIFIC

The Overland Route.

It was the Route in '49!
It is the Route today, and
Will be for all time to come.

THE OLD WAY.



THE NEW WAY.



"THE OVERLAND LIMITED."

ELECTRIC LIGHTED

RUNNING EVERY DAY IN THE YEAR

Only Two Nights between Missouri and San Francisco

Montgomery St. San Francisco, Cal.

S. F. BOOTH.

General Agent.